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SUMMARY RECORD OF THE 43rd MEETING

Chairman: Mr. KRENKEL (Austria)

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The meeting was called to order at 3.15 p.m.

AGENDA ITEM 97: HUMAN RIGHTS QUESTIONS (continued)

(a) IMPLEMENTATION OF HUMAN RIGHTS INSTRUMENTS (continued) (A/47/40, 41, 44, 427, 428, 429, 518, 628, 632 and 662)

1. Mr. SAVLE (Slovenia) said that his delegation noted with satisfaction the growing importance of international treaties in the field of human rights, as reflected by the increasing number of ratifications or accessions, and welcomed the efforts to assist States in fulfilling their reporting obligations.

2. Slovenia was bound by its Constitution to ensure respect for human rights. Slovenia's entry into the Council of Europe, scheduled for 1993, meant that it would very likely be undertaking additional obligations in the field of human rights. Immediately following its independence, his country had become party to five international instruments on human rights, thereby ensuring continuity of the legal regimes involved. It planned to accede in the near future to the remaining two.

3. It was encouraging that so many States had, in the short time since its entry into force, ratified or acceded to the Convention on the Rights of the Child, which embodied a comprehensive social policy for the protection and development of children. At the same time, the specialized agencies and non-governmental organizations should be encouraged to participate in the work of the Committee on the Rights of the Child. His delegation supported the Committee's recommendations, endorsed by the General Assembly in its resolution 46/112, that as from 1993 at least two regular sessions of the Committee, lasting for two or three weeks, should be scheduled annually and that a pre-sessional working group should be established for a preliminary review of reports from States parties.

4. His delegation appreciated the innovative work of the Human Rights Committee, in particular its decision to adopt concluding comments on States' reports reflecting the views of the Committee as a whole, to be transmitted to the State party concerned and reflected in the Committee's annual report to the General Assembly. In addition to its general comments on articles 7 and 10 of the International Covenant on Civil and Political Rights and on issues relating to reservations with regard to the Covenant and the Optional Protocol, the Committee should finalize or decide to draft comments on other articles, including article 27 on the rights of persons belonging to ethnic, religious or linguistic minorities.

5. It was unfortunate that despite the large number of ratifications of the International Covenant on Economic, Social and Cultural Rights, many States parties had not met their reporting obligations. His delegation accordingly supported the recent decision of the Committee on Economic, Social and

(Mr. Savle, Slovenia)

Cultural Rights that in the case of States parties with overdue reports, it would base its considerations on any relevant information available. Much of that information could be provided by United Nations organs and specialized agencies, and that called for inter-agency cooperation. His delegation also endorsed the Committee's plan to discuss how economic and social indicators might be used in assessing the level of enjoyment of economic, social and cultural rights.

6. The efforts of the Committee against Torture should be action-oriented, involving changes in national legislation as well as practical measures. His delegation endorsed the amendments to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment which had been proposed at the meeting of States Parties to the Convention in September 1992 and were designed to provide a more sound financial basis for the Committee.

7. Enforced disappearances were a violation of human rights and systematic application of that practice could be considered a crime against humanity. Adoption by the General Assembly of the draft declaration on the protection of all persons from enforced disappearance (A/47/434, annex) would be a significant step in combating that practice.

8. The increase in United Nations membership had important implications for the implementation of the International Covenants on Human Rights. The United Nations must ensure that the emergence of new States would not lower in any way existing human rights standards. Even if they had not ratified or acceded to the Covenants, those States should be considered as inheriting the obligations arising from such instruments. In that manner, democracy in those States would be safeguarded throughout the difficult transition to a market economy.

9. His Government supported the efforts of the Centre for Human Rights and other United Nations bodies to rationalize and improve reporting procedures. Noteworthy in that connection was the manual on human rights reporting which, along with training courses, advisory services and technical assistance, would be of great help to new Member States as they prepared their initial reports.

10. For the future, it was important to envision new ways of monitoring the human rights situation around the world, using the highest standards of professional competence and objectivity. One possible solution, in which his country was willing to take an active part, was the establishment of an international human rights court with compulsory jurisdiction. He noted in closing that respect for human rights was a precondition for the maintenance of international peace and security.

11. Ms. BAIARDI (Paraguay) said that her Government had taken steps to accelerate the process of putting the major international human rights instruments into force in the national territory. In June 1992 it had ratified the two International Covenants on Human Rights.

(Ms. Baiardi, Paraguay)

12. Following the recent collapse of ideological barriers to the full enjoyment of fundamental human rights in many regions of the world, it seemed that new barriers of religion and race were now being erected. Her delegation called on all parties to conflicts to respect the fundamental human rights of every human being and to apply the International Covenants. Having recently instituted a democratic system, her country was now seeking to strengthen and consolidate it for the benefit of present and future generations. Paraguay saw the implementation of international human rights instruments as the cornerstone of that effort. In June 1992, it had promulgated a new Constitution enshrining the protection of human rights and fundamental freedoms. Its provisions included the abolition of the death penalty and the prohibition of torture or other inhuman treatment, including genocide. The new Constitution required the State to promote the quality of life through policies to combat extreme poverty and disability and to promote economic and social development and environmental preservation.

13. Her delegation supported the convening of the World Conference on Human Rights in 1993, and called on the international community to implement fully the international human rights instruments.

14. Mr. PETERS (Netherlands) said that the international instruments on human rights had proved to be a success: a large number of States were party to those instruments and had incorporated the norms in their national policies. Yet, the success of the system had brought with it a substantially increased workload - more reports from States parties, a growing number of communications, and more sources of information on human rights at the national level - all of which required a more integrated approach. Many treaty bodies were simply not equipped to handle the new demands. Having previously given express recognition to its responsibility to ensure the proper functioning of the human rights treaty bodies, the General Assembly did not need to make new policy decisions on that matter.

15. The current situation clearly called for an increase in resources to respond to the growing workload. Treaty bodies needed more personnel, adequate meeting time and better overall organization. His delegation accordingly supported the request of the Human Rights Committee for an increase in specialized staff. It also endorsed the proposal to establish a treaty body resource room as a repository for reports and related information and welcomed recent initiatives to strengthen the management of the Centre for Human Rights.

16. There had been substantial progress in universalizing the human rights instruments. Between August 1990 and September 1992, the total number of States parties to the main instruments had increased by over one third, and, currently only a small minority of States, most of them newly independent, were not party to any of those instruments. The Secretary-General's attempt to gather information from States on obstacles to ratification or accession had not met with much success. Therefore, legislators and national organizations, which could seek assistance from the advisory services

(Mr. Peters, Netherlands)

programme of the Centre for Human Rights, would have to take the initative and persuade their Governments to ratify or accede to the human rights treaties.

17. On becoming party to a treaty, a State had the right to make specific reservations. Like other States, the Netherlands had adopted a policy of entering objections against reservations which it could not accept as part of the treaty relationship. Assuming that States should all have the same obligations under international law and that a large number of reservations undermined the universality of the norms embodied in a treaty, it was logical that States should be discouraged from making reservations. A number of bodies were endorsing that view. In its resolution 46/113, the General Assembly had appealed to States parties that had made reservations to the International Covenants on Human Rights to consider whether such reservations should be reviewed. Recently, the meeting of persons chairing the human rights treaty bodies had noted that the number, nature and scope of the reservations made to the principal human rights treaties were cause for alarm; his delegation had noted with interest the meeting's recommendations in that regard.

18. The practice by treaty bodies of drafting general comments was another way to ensure universal awareness of human rights obligations. His delegation appreciated the publication of those comments in a single document but would have preferred a more durable format. It might be appropriate in future for treaty bodies to comment on the issues of street children and indigenous populations and, in that connection, his delegation was looking forward to the completion by the Human Rights Committee of its comments on article 27 of the International Covenant on Civil and Political Rights, which dealt with the rights of minorities. His delegation also shared that Committee's view that corporal punishment was covered by article 7 of the Covenant. The Committee had also rightly drawn attention to the importance of adequate information, instruction and training for enforcement personnel, medical staff and police officers for the purpose of curbing torture. It had considered that the granting of amnesty in respect of acts of torture was generally incompatible with the duties of States under international law.

19. His country had always believed that economic, social and cultural rights should be translated into action. It thus welcomed the general comment on the right to housing made by the Committee on Economic, Social and Cultural Rights, including its conclusion that individuals as well as families should be entitled to adequate housing without any form of discrimination. That Committee had identified a number of factors to be taken into account and had listed certain aspects for which there might be domestic legal remedies. It was to be hoped that the Committee's views would be studied throughout the United Nations system. A comprehensive overview was also provided by the working paper on the right to adequate housing submitted to the Subcommission on Prevention of Discrimination and Protection of Minorities. From the debate on that topic in the Subcommission, it was clear that many violations of the right to housing appeared to be attributable to a Government's choice of policy options rather than a lack of resources.

20. Mrs. SYAHRUDDIN (Indonesia) said that the implementation of the human rights instruments was an effective means of promoting political, economic and social development. The Convention on the Rights of the Child emphasized the importance of economic, social and cultural rights as essential components of human rights and fundamental freedoms. Having recently ratified the Convention, her country was combining ongoing national development programmes with the activities initiated as a follow-up to the World Summit for Children. The Government had established a working group on the promotion of children's welfare to consider the setting up of an information system on that subject. In addition to the physical health and development of children, attention was also focused on enabling children to develop in a safe environment, free from exploitation and labour. The problem of child labour could not be solved by adopting legislation. There was also a need for renewed emphasis on social and economic development programmes in the developing countries.

21. The Committee on the Rights of the Child would have to consider the initial reports of approximately 100 States parties during the period 1992 to 1996. In the light of the experience of other treaty-monitoring bodies, she stressed the need to provide that Committee with adequate resources and time to cope with its heavy workload.

22. In its resolution 1992/43, the Commission on Human Rights had decided to establish an open-ended inter-sessional working group to elaborate a draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. Her delegation looked forward to considering the results achieved by the working group at the forthcoming session of the Commission. Lastly, she stressed that the implementation of human rights instruments should be undertaken with due regard to the historical, cultural and socio-economic characteristics of States parties. Through cooperation, their implementation would protect human rights and promote general progress.

AGENDA ITEM 95: NARCOTIC DRUGS (continued) (A/C.3/47/L.28-L.33)

Draft resolution A/C.3/47/L.28

23. The CHAIRMAN said that Belize, Guinea-Bissau, India, Myanmar and the Russian Federation had joined the sponsors.

24. Draft resolution A/C/3/47/L.28 was adopted.

Draft resolution A/C.3/47/L.29

25. The CHAIRMAN said that Myanmar and the Philippines had joined the sponsors.

26. Draft resolution A/C.3/47/L.29 was adopted.

Draft resolution A/C/3/47/L.30

27. The CHAIRMAN said that Egypt, the Philippines, the Russian Federation and Ukraine had joined the sponsors.

28. Ms. ARIAS (Colombia) said that in paragraph 1 (a) of the draft resolution the phrase "by Member States" should be inserted after the word "implementation" and that in paragraph 1 (c) the word "and" should be replaced by the word "or".

29. Draft resolution A/C.3/47/L.30, as orally revised, was adopted.

Draft resolution A/C.3/47/L.31

30. The CHAIRMAN said that Cameroon, Côte d'Ivoire, Cuba, Egypt, Guinea-Biseau, Italy, Myanmar and Samoa had joined the sponsors.

31. Mr. MORA GODOY (Cuba) said that, although his delegation had joined the consensus on the draft resolution, the text, particularly in paragraph 5, dealt with questions which fell within the mandate of the Fifth Committee. In future, the Third Committee should only consider matters that came under its own mandate. His delegation reserved the right to return to that question in the Fifth Committee.

32. Draft resolution A/C.3/47/L.31 was adopted.

Draft resolution A/C.3/47/L.32

33. The CHAIRMAN said that Australia, Belize, Côte d'Ivoire, Egypt, Nicaragua, Nigeria, Norway, the Russian Federation, Samoa and Uruguay had joined the sponsors.

34. Draft resolution A/C.3/47/L.32 was adopted.

Draft resolution A/C.3/47/L.33

35. The CHAIRMAN said that Antigua and Barbuda, Côte d'Ivoire, Haiti, India, Madagascar, Nigeria, Saint Kitts and Nevis, Uganda and Ukraine had joined the sponsors.

36. Mr. ORTIZ (Bolivia) said that the phrase "which are particularly vulnerable to illicit transit traffic on account, inter alia, of their geographical location," should be added at the end of the sixth preambular paragraph of the draft resolution.

37. Draft resolution A/C.3/47/L.33, as orally revised, was adopted.

AGENDA ITEM 96: REPORT OF THE UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES, QUESTIONS RELATING TO REFUGEES, RETURNEES AND DISPLACED PERSONS AND HUMANITARIAN QUESTIONS (continued) (A/C.3/47/L.27, L.34-38)

(a) REPORT OF THE UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES (continued)

(b) QUESTIONS RELATING TO REFUGEES, RETURNEES AND DISPLACED PERSONS (continued)

(c) HUMANITARIAN QUESTIONS (continued)

38. The CHAIRMAN drew attention to the draft resolutions listed under agenda item 96 and said that they had no programme budget implications.

Draft resolution A/C.3/47/L.27

39. The CHAIRMAN said that Belgium, Colombia, Côte d'Ivoire, Croatia, Egypt, Morocco and Nigeria had joined the sponsors.

40. Draft resolution A/C.3/47/L.27 was adopted.

Draft resolution A/C.3/47/L.34

41. The CHAIRMAN said that Afghanistan, Azerbaijan, Belize, Bulgaria, Chile, Côte d'Ivoire, Croatia, Guinea, Guinea-Bissau, Haiti, Honduras, Liechtenstein, Malaysia, Morocco, Namibia, Samoa, and Uruguay had joined the sponsors.

42. Draft resolution A/C.3/47/L.34 was adopted.

Draft decision A/C.3/47/L.35

43. The CHAIRMAN said that the following sentence should be added at the end of the text of the draft decision: "the Governments of the newly-independent States concerned and the Government of the Islamic State of Afghanistan are also encouraged to hold negotiations and contacts in good faith in order to achieve the above-mentioned humanitarian objective."

44. Draft decision A/C.3/47/L.35, as orally revised, was adopted.

Draft resolution A/C.3/47/L.36

45. The CHAIRMAN said that Afghanistan, Albania, Azerbaijan, Belize, Burundi, Cameroon, Côte d'Ivoire, Croatia, Guinea-Bissau, Haiti, Mauritania, the Republic of Korea, Rwanda, Samoa, the United Republic of Tanzania and Togo had joined the sponsors. He pointed out that the representative of Norway had orally revised paragraph 17, replacing "Underlines" with "Takes note of" and replacing "urges" with "encourages".

46. Draft resolution A/C.3/47/L.36, as orally revised, was adopted.

Draft resolution A/C.3/47/L.37

47. The CHAIRMAN said that Bangladesh, Cyprus, Djibouti, Italy, Jamaica, the Libyan Arab Jamahiriya, Mauritania, Mongolia, Nigeria, Oman, Peru, the Philippines, the Sudan, Togo and Tunisia had joined the sponsors.

48. Mr. BLACKMAN (Barbados) said that, in the second preambular paragraph, the second line, "1992" should read "1990".

49. Draft resolution A/C.3/47/L.37, as orally amended, was adopted.

50. Mr. KUEHL (United States of America) said that, while his delegation had joined the consensus on that draft resolution, it reserved the right to give an explanation of vote in the plenary Assembly.

Draft resolution A/C.3/47/L.38

51. The CHAIRMAN said that Afghanistan, Angola, Benin, Burundi, Cameroon, Canada, Côte d'Ivoire, Croatia, Cyprus, Denmark, Ghana, Greece, Guatemala, Guinea, Haiti, Honduras, Iceland, India, Luxembourg, Nigeria, the Republic of Korea, Rwanda, Samoa, Sierra Leone, Togo and Uganda had joined the sponsors.

52. He pointed out that the representative of Austria, when introducing the draft resolution, had orally revised the sixteenth preambular paragraph, adding the word "externally" before "displaced" in the second line. In the eighteenth preambular paragraph, the second line, the words "the Office of" had been deleted, and "for Refugees" added after "High Commissioner".

53. Mr. THEUERMANN (Austria) said that, paragraph 8, after "the High Commissioner," the words "the Department of Humanitarian Affairs" should be inserted.

54. Draft resolution A/C.3/47/L.38, as orally revised, was adopted.

55. Mr. SRIVIHOK (Thailand), speaking in exercise of the right of reply, said that he wished to respond to the statement made on the previous day by the representative of Viet Nam. The statement made to the Third Committee at the 39th meeting by the representative of Thailand, speaking as the former Chairman of the Thai Parliamentary Commission on Refugees, had been limited to the facts he had gathered during his visit to various refugee camps in Thailand. No political considerations had been involved. The Thai Government continued to extend humanitarian assistance to Vietnamese refugees and distressed persons in Thailand. It was encouraged by the current state of the relationship between Viet Nam and Thailand and hoped that that relationship would be further strengthened.

The meeting rose at 4.45 p.m.